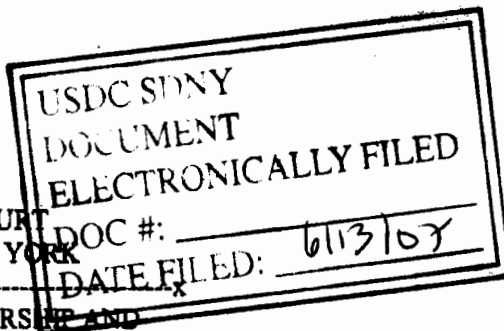


KARAS



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EXCALIBUR LIMITED PARTNERSHIP AND  
WHALEHAVEN CAPITAL FUND,

Index no. 07 CV 3434 (KME)

Plaintiffs,

-against-

EARTH BIOFUELS, INC.,

Defendant.


**STIPULATION AND ORDER  
EXTENDING TIME TO RESPOND  
TO COMPLAINT**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, that the time within which is required to move, or otherwise respond to Plaintiffs' Complaint is hereby extended to June 29, 2007; and

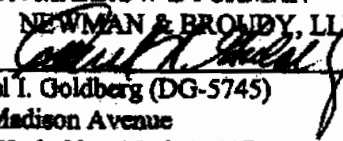
IT IS FURTHER STIPULATED AND AGREED, that the service of the Summons and Complaint upon Defendant was proper and effective and that Defendant consents to the jurisdiction of this court.

Dated: New York, New York  
June 11, 2007

HERRICK FEINSTEIN, LLP

By:   
John J. Malley (JJM-3900)  
2 Park Avenue  
New York, New York 10016  
Telephone: 212-592-1400  
*Counsel for Plaintiffs  
Excalibur Limited Partnership, and  
Whalehaven Capital Fund Ltd.*

SALON MARROW DYCKMAN

NEWMAN & BROUDY, LLP  
By:   
Daniel I. Goldberg (DG-5745)  
292 Madison Avenue  
New York, New York 10017  
Telephone: 212-661-7100  
*Counsel for Defendant  
Earth Biofuels, Inc.*

So Ordered,

  
Hon. Kenneth M. Karas